

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:08CV125-GCM

B. VITTAL SHENOY, M.D.,

Plaintiff,

vs.

CHARLOTTE-MECKLENBURG HOSPITAL  
AUTHORITY, d/b/a/ CAROLINAS  
HEALTHCARE SYSTEM, et al.,

Defendants.

ORDER

This matter is before the court upon Plaintiff's Motion for Voluntary Dismissal Without Prejudice (D.E. 144). Plaintiff seeks leave of court pursuant to Rule 41(a)(2) to dismiss Count I (First Amendment claim) as to Defendant Carolinas Pathology Group, P.A. ("CPG"). CPA does not object, but seeks to preserve its right to pursue attorneys' fees at the appropriate time. The court finds no unfair prejudice to CPG in dismissing this claim. Accordingly,

IT IS THEREFORE ORDERED that Plaintiff's Motion for Voluntary Dismissal without Prejudice as to Count I against CPG is hereby GRANTED, but that Defendant CPG shall retain the right to seek attorneys' fees if and when appropriate.

Signed: March 14, 2012



Graham C. Mullen  
United States District Judge

